

**REMARKS/ARGUMENTS**

Reconsideration is requested. Responsive to the Office Action of August 11, 2006, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

Claims 1-11 (Group I) have been withdrawn pursuant to a telephone conversation between the Examiner and Mayumi Maeda concerning election of the claims; claims 12-23 (Group II) remain in the application.

Amendments have been made to the specification, including the substitution of a new Abstract of the Disclosure, as requested by the Examiner.

Independent claims 12 and 19 have been amended to expedite allowance by claiming particularly beneficial embodiments of the present invention. Claim 12 has been amended to recite the presence of at "least three concentrically-arranged pressure rings", each configured to "apply pressure in an oscillating manner with asymmetric deployment and retraction cycle timing" and with "only one" of the at least three concentrically-arranged pressure rings being deployed at a time. Dependent claims 13 and 18 have been amended for consistency. Support for such amendments is at, for example, paragraphs 0038 and 0088-0092 and FIGs. 10 and 11 of the disclosure.

Claim 19 has been amended to recite the presence of "at least three concentrically-arranged pressure rings" and an extracting step wherein the pressure rings are used "with asymmetric deployment and retraction cycle timing" and with only one of the at least three concentrically-arranged pressure rings is deployed at a time. Support for such amendments is at, for example, paragraphs 0088-0092 and FIGs. 10 and 11 of the disclosure.

Claims 14, 16, 17, 20, 21 and 23 have been cancelled.

**Request for Cancellation of "New" Matter**

The Examiner states that the preliminary amendment received on 11/15/2004 is objected to because it introduces new matter into the disclosure, by incorporating the provisional application. Applicants respectfully point out that benefit to the provisional application is claimed in the executed Declaration and Power of Attorney under 35 U.S.C.

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119(e) mailed on December 11, 2003. No new matter has been incorporated. Applicants request that the Examiner withdraw his objection.

#### Objection to the Abstract

The Abstract of the Disclosure was objected to for containing more than 150 words. Applicants have amended the specification to include a new Abstract of the Disclosure. Applicants respectfully submit that the amended Abstract of the Disclosure is not subject to objection.

#### Objections to the Disclosure

The disclosure was objected to for a number of informalities. Applicants submit that the disclosure, as amended, contains no known informalities or minor errors and is not subject to objection.

#### Claim Objections

Claims 12, 13, 14, 18 and 19 were objected to for the presence of informalities. Claim 14 has been cancelled. Applicants submit that claims 12, 13, 18, and 19, as amended contain no informalities and are, therefore, no longer subject to objection.

#### Claim Rejections under 35 U.S.C. §102

The subject matter of claims 12-23 was rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,332,871 to Douglas et al. (hereinafter "Douglas").

Douglas, as understood, describes a device that uses mechanical motion to pierce skin and a mechanical kneading or oscillation to produce a sample of fluid (see, for example, col. 3, lines 31-35 of Douglas). Douglas notes that an annular ring may be oscillated around a wound at 2 to 1000 cycles per minute (see col. 6, lines 11-18 of Douglas). Douglas also states that a "wobbling" motion can be employed (see col. 7, lines 11-12 of Douglas).

Current independent claim 12, as amended, recites a device with "at least three concentrically-arranged pressure rings", each configured to "apply pressure in an oscillating manner with asymmetric deployment and retraction cycle timing" and with "only one" of the at least three concentrically-arranged pressure rings being deployed at a time. This novel configuration is particularly beneficial in limiting the amount of time any given portion of a

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user's skin is under pressure and, thereby, allowing the skin to recover (see, for example, paragraph 0037 of the present disclosure).

Independent claim 19, as amended, recites the presence of "at least three concentrically-arranged pressure rings" and an extracting step wherein the pressure rings are used "with asymmetric deployment and retraction cycle timing" and with only one of the at least three concentrically-arranged pressure rings is deployed at a time.

Douglas does not appear to describe, teach or suggest such asymmetric deployment and retraction cycle or that only one of multiple rings be deployed at a time. In this regard, it should be noted that the "wobbling" *motion* noted in Douglas is grouped with, and akin to, "kneading" and "peristaltic" motions and is not a reference to asymmetric *timing* of deployment and retraction as presently claimed (in this regard, see the final sentence of paragraph 0038 of the present disclosure).

For at least the foregoing reasons, Applicants respectfully submit that independent claims 12 and 19, as amended, are novel and not anticipated by, nor obvious over, Douglas. Since claims 13, 15, 18 and 22 depend from and further limit their parent independent claims, they are allowable for at least the same reasons.

#### Double Patenting

The subject matter of claims 12, 13, 15, 16, 17, 18 and 19 was provisionally rejected on the grounds non-statutory obviousness-type double patenting over claims 35, 46-50 and 55 of copending Application No. 10/882,994. Upon allowance and if the claims at that time so warrant, Applicants are prepared to file a terminal disclaimer.

#### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and Applicants earnestly solicit early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowance, he is urged to contact the undersigned Attorney via telephone at 408 956-4790, or facsimile number 408 956-4404.

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If the Examiner deems a telephone interview is necessary, he is invited to telephone the undersigned attorney of record at (408) 956-4790. The Commissioner is hereby authorized to deduct any deficiencies, or to credit any overpayment, to Deposit Account No. 10-0750 (LFS5015USNP/MM).

Respectfully submitted,

/Mayumi Maeda/

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Dated: January 8, 2007